

REMARKS

Applicants have canceled claims 18, 20, 39 and 41. Accordingly, claims 13-14, 17, 19-20, 23-26, 31-35, 38, 40, 44-47 and 52-54 are currently pending in this patent application. Applicants now address each and every point raised by the Examiner in the above-noted Office action as follows:

I. Claims Rejected Under Section 112

The Examiner has rejected claims 13, 14, 17-20, 23-26, 31-33 and 38-41 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants have canceled claims 18, 20, 39 and 41, thereby obviating the rejection with respect to these claims.

With respect to claim 13, the Examiner alleges that the original specification does not disclose the first plate being "snap fit" on the auger screw as recited in claim 13, and thus is new matter. Applicants respectfully disagree. The specification states on page 32, lines 22-23 "...and a plastic bearing washer 154 snapped on the back of the extruder screw 30." [emphasis added]. However, to be certain that this rejection is obviated, Applicants have amended claim 13 use the term "snapped" instead of "snap fit." Accordingly, it is respectfully requested that the § 112, first paragraph, rejection of claim 13 be withdrawn.

With respect to claims 17-20 and 38-41, the Examiner alleges that the specification does not disclose that the second plate is made of plastic or has depressions or concentric depressions or that the first plate is made of metal. Accordingly, these claims have been either amended or canceled to overcome this rejection.

Response to 11/04/05 Office Action

-11-

Appl. No. 10/824,332
Atty. Docket No. 65474-5002
Customer No. 24574

II. Claims Rejected Under Section 103

The Examiner has rejected Claims 13, 14, 20, 22-26, 31-35, 41, 43, 45-47 and 52-54 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Williams in view of Houman. The Examiner alleges that Williams discloses a device, that corresponds to the instant device, for making pasta from pasta making ingredients including a container, 24, 28 housing pasta making ingredients, an essentially cylindrical housing 58 containing a driven auger screw 60 which conveys pasta making ingredients out from the container, 24, 28 when the screw 60 is driven, and a thrust bearing, the thrust bearing having a first plate and a second plate, the first and second plates accepting thrust loads from the auger screw when the auger screw is driven, the first plate rotating with the auger screw when the auger screw is driven and the second plate not rotating with the auger screw when the auger screw is driven (see Fig. 6). As shown in Fig. 6, the first plate is attached to the screw 60 on a screw end opposite to a die 70, the first and second plates are in contact with the pasta making ingredients, the first and second plates are free of liquid lubricants during operation of the device, the thrust bearing is disposed within the housing 58, the thrust bearing is located at one end of the screw 60 and the opposite end of the screw is contacted by the die 70, the housing 58 is essentially can-shaped and the thrust bearing is disposed in the bottom of the can, the can shaped housing 58 protrudes into the container 24, 28, and the can shaped housing is capped by the extrusion die 70. The screw is driven by an electric motor (see cols. 4 and 7). The screw 60 including the first plate and the housing 58 are made of plastic (col. 8, lines 3-26).

The Examiner further alleges that Williams fails to teach the first plate being snap fit or removably attached to the auger screw, but that Houman et al teaches an auger screw (Fig.

Response to 11/04/05 Office Action

-12-

Appl. No. 10/824,332
Atty. Docket No. 65474-5002
Customer No. 24574

4, #64) in a machine having a thrust bearing with a pair of plates (Fig. 4, #s 66 and 68) wherein the first plate is snap fit for the purpose of supporting the screw (col. 5, lines 25-30).

The Examiner alleges that it would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the invention of Williams with the multiple plate thrust bearing being snap fit/ removably attached as taught by Houman et al because such arrangement is an obvious alternative and provides greater ability to clean or repair the apparatus.

Furthermore, claims 20, 22, 23, 41, 43 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (4,406,603) in view of Houman et al (4,638,141). The Examiner alleges that Williams and Houman et al disclose the device substantially as claimed except for the materials being metal and that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the materials to be metal because mere selection of known materials, (i.e., stainless steel) on the basis of suitability for the intended use would be entirely obvious, In re Leshin, 125 USPQ 416.

This rejection is respectfully traversed. The cited references taken singly or in combination do not show or suggest the present invention as claimed.

Applicant respectfully submits that the claimed invention patentably distinguishes over the Williams and Houman references because it would not have been obvious to one skilled in the pasta maker art to combine Williams with Houman. Claim 13 recites "the first plate being snapped on the auger screw." The alleged first plate of Williams is actually part of the feedscrew. Therefore, it cannot be snapped onto the feedscrew.

Response to 11/04/05 Office Action

-13-

Appl. No. 10/824,332
Atty. Docket No. 65474-5002
Customer No. 24574

MS Word Doc 1A 103477.doc 65474-5002 1/19/06

Accordingly, Williams alone cannot anticipate the present invention.

Houman does not make up for the deficiencies of Williams. First of all, Houman has nothing to do with a device for making pasta. Houman teaches a modular electric discharge machine system that happens to include a thrust bearing. Houman was only cited because it teaches a thrust bearing. Nowhere in Houman is there any suggestion for combining the thrust bearing with a device for making pasta, or any other device, for that matter. This is clearly an impermissible hindsight combination. No one skilled in the art of pasta makers would look to the field of electric discharge machines to provide a thrust bearing similar to that taught in Houman in a pasta making device.

However, even if, *arguendo*, such a combination was made, the claimed thrust bearing of claim 13 still differs from that taught in Houman. The Examiner alleges that col. 5, lines 25-30 of Houman teach "an auger screw (Fig 4, #64) in a machine having a thrust bearing with a pair of plates (Fig. 4, #s 66 and 68) wherein the first plate is snap fit for the purpose of supporting the screw." Col. 5, lines 25-30 of Houman recite:

The slide assembly 50 also includes an electric servo motor 60 which is mounted on a block 62 of the frame member 52. The motor 60 rotatably drives a lead screw 64 which is supported by a thrust bearing 66 and also by bearings 68 on the block 62.

Nowhere in this excerpt (nor anywhere else in the patent) does it mention that either of alleged plates 66 or 68 are snap fit or removably attached to the alleged lead screw 64. In fact, components 66 and 68 are actually bearings. Houman does not teach a "thrust bearing having a first plate and a second plate, the first and the second plates accepting thrust loads from the auger screw when the auger screw is driven, the first plate being snapped on the auger screw and rotating with the

Response to 11/04/05 Office Action

-14-

Appl. No. 10/824,332
Atty. Docket No. 65474-5002
Customer No. 24574

auger screw when the auger screw is driven and the second plate not rotating with the auger screw when the auger screw is driven," as is claimed in claim 13.

Therefore, Williams and Houman, neither alone or in combination, render claim 13 obvious.

Similar to claim 13, claim 34 recites "the first plate being removably attached to the auger screw." Accordingly, for the reasons stated above, claim 34 also distinguishes over the cited references. However, to further distinguish claim 34 over the cited references, claim 34 has been amended to recite, "the first plate being removably attached to the auger screw by a projection extending from the first plate that is accepted in a groove in the auger screw." Neither Williams or Houman show, teach or suggest such a projection-groove combination. This amendment is clearly supported by Fig. 7 of the specification as filed.

Claims 14, 17, 19, 23-26 and 31-33 depend from claim 13 and are therefore patentable for the reasons set forth above. Claims 35, 38, 40, 44-47 and 52-54 depend from claim 34 and are therefore patentable for the reasons set forth above.

Accordingly, applicants respectfully request the withdrawal of the § 103 rejection.

III. Double Patenting

The Examiner has rejected Claims 13-14, 17, 19-20, 23-26, 31-35, 38, 40, 44-47 and 52-54 for obviousness-type double patenting over both or one of Applicant's U.S. Patent Nos. 6,280,092, 6,743,007 in view of Williams or Houman alone or in combination. Pursuant to 37 C.F.R. 1.130(b) and 1.321(c) Applicant has submitted herewith two terminal disclaimers to

Response to 11/04/05 Office Action

-15-

Appl. No. 10/824,332
Atty. Docket No. 65474-5002
Customer No. 24574

overcome this rejection. Thus, Applicant respectfully requests that the rejection be withdrawn.

It is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

IV. Request for Telephone Conference

If, after considering this Amendment, the Examiner believes that any of the pending claims are not properly allowable, Applicants request that the Examiner please contact their authorized representative identified below by phone prior to issuing any further Office action for the purpose of hopefully resolving any such issue.

Please charge our Deposit Account No. 10-0440 if any additional fees are necessary for this matter.

Respectfully submitted,

JEFFER, MANGELS, BUTLER & MARMARO LLP

Dated: February 3, 2006

By: Grant T. Langton, Esq.
Grant T. Langton, Esq.
Reg. No. 39,739
1900 Avenue of the Stars
Seventh Floor
Los Angeles, CA 90067-4308
(310) 203-8080
CUSTOMER NO. 24,574

GTL/BCS

Response to 11/04/05 Office Action

-16-

Appl. No. 10/824,332
Atty. Docket No. 65474-5002
Customer No. 24574